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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/507,324   | 05/27/2005  | Christopher Chapman  | 302/1/048           | 2851             |
| 170  | 7590        | 09/27/2006           | EXAMINER            |                  |
| RICHARD M. GOLDBERG<br>25 EAST SALEM STREET<br>SUITE 419<br>HACKENSACK, NJ 07601 |             |                      | HA, NGUYEN Q        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2854                |                  |

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/507,324             | CHAPMAN ET AL.      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Wynn Q. HA             | 2854                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                         |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/23/04, 3/14/05</u> . | 6) <input type="checkbox"/> Other: _____ .  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 8-11 and 16** are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 6,632,037 B2 filed on 21 August 2001). Lin teaches the following:

With respect to Claim 1, a flexible foldable keyboard apparatus 1 configured to communicate with a mobile telephone 3 (fig. 7), comprising:

a key defining flexible plane (fig. 3 shows a key on flexible plane comprising parts 11 and 12),

an interface device 2 configured to connect with the electrical connectors 18 of a mobile telephone 3, and

a telephone support means 2, said telephone support being connected to said key defining plane 11 in a manner to unfold from said flexible plane 11 to

present a telephone supporting configuration for a mobile telephone 3 and, after removing a secured mobile telephone 3, said telephone support 2 is arranged to fold onto said key defining flexible plane 11 into a storage configuration, to allow said key defining flexible plane 11 to be wrapped around (by part 12) said folded telephone support 2, and said telephone support 2 is configured to allow an electrical connection between the electrical connectors 18 of a mobile telephone 3 and said interface device 2 only when the mobile telephone is located in a correct orientation in said telephone support (fig. 7 shows the telephone in a correct orientation face-up and its bottom end connected to the interface device. It would be unperceivable if the telephone, when in use with the keyboard, were placed in a different orientation such as face down and its bottom end not connected to the interface 2).

With respect to Claim 2, said telephone support 2 having guide members (fig. 5 shows two guide members on top of support 2) to guide a mobile telephone 3 into a correct orientation.

With respect to Claim 8, said flexible foldable keyboard apparatus is configured to communicate with a mobile telephone having features, including features to assist with the generation of text documents and electronic communications (col. 3 lines 1-12 "commands or data input by the keyboard body 1 are sent to the cellular phone 3...through the interface 2." Also, as stated

in Applicant's specification, page 1 lines 9-10, "The transmission of text messages using cellular mobile telephone is well established").

With respect to Claim 9, said keyboard apparatus includes keys on said key defining flexible plane to assist menu navigation (fig. 4 shows four "arrow" keys on the bottom far right to assist menu navigation).

With respect to Claim 10, said telephone support 2 is less thick than a mobile telephone 3 adapted to be used therewith when said telephone support 2 is placed in its folded configuration (fig. 7 shows that the telephone support is less thick than the telephone 3. Since the thickness of the telephone support 2 is constant, the telephone support 2 is also less thick than the telephone 3 when the telephone support 2 is folded).

With respect to Claim 11, a mobile telephone may be received within said telephone support only when said telephone support is in its fully unfolded configuration (figs. 4 & 5 show that the telephone support 2 must be fully unfolded to engage the electrical connectors 18 and fastener 171 for the device to operate. Moreover, as stated in col. 3 lines 38-43, "after the interface 2 is rotated to the positioning recess 16...the keyboard body 1 are prohibited from unfolding due to the interface 2").

With respect to Claim 16, Lin teaches all that is claimed since Lin's flexible foldable keyboard can be used to practice the method of communicating text data to a mobile telephone using all the steps being claimed.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Mosgrove et al. (US 6,317,313 B1).

With respect to Claims 12-14, Lin teaches a keyboard apparatus according to claim 1 above. Lin, however, is silent about having an independent power supply for said keyboard, wherein said power supply is constructed in a manner to receive recharging current from an external charging source, and the interface device is connected in a manner such that said recharging current is also used to recharge a mobile telephone device.

Mosgrove teaches a cover/case 100 for an electronic device (e.g. a PDA), wherein the cover/case 100 may be electrically connected to the electronic device and comprises keys 108 that can be depressed to operate the electronic

device, and the cover/case may be shaped to engage a stand, and, when engaged, may form an electrical connection with the stand such that power can be received from the stand to power and recharge the cover/case and/or the electronic device (col. 2 lines 55 – col. 3 line 9. Also note that the recharging power is from one recharging current going through the stand; and “recharge” suggests independent power supplies – which have been discharged by use – contained in the cover/case and in the electronic device, e.g. PDA).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lin’s keyboard and the mobile telephone with independent power supplies, which can simultaneously be recharged by a single current from an external charging source, as taught by Mosgrove.

### ***Allowable Subject Matter***

3. **Claims 3-7 and 15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to Claims 3 and 4, which are dependent on claim 1, the overall combination of structure, including the flexible plane comprising textile fabric layers with conductive membrane films, is not taught or suggested by the prior art of record.

With respect to Claim 5, which is dependent on claim 1, the overall combination of structure, including a front portion and a rear portion connected by a hinge so that the telephone can be inserted between the two portions, is not taught or suggested by the prior art of record.

(Claims 6 and 7 are dependent on claim 5.)

With respect to Claim 15, which is dependent on claim 1, the overall combination of structure, including a storage pocket disposed in the flexible plane, is not taught or suggested in the prior art of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Wynn" Q. HA whose telephone number is 571-272-2863. The examiner can normally be reached on Monday - Friday, from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH



JUDY NGUYEN  
SUPERVISORY PATENT EXAMINER